



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 33684/US-BM

"EXPRESS MAIL" MAILING LABEL
NUMBER **EV 298966135 US**

Anticipated Classification of this Application:

Class/Subclass: Not Yet Known

Prior Application

Examiner: Patrick J. NOLAN

Art Unit: 1644

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a request for filing a[n]

- ☐ Original
☒ Continuation
☐ Divisional
☐ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of

Hanswalter ZENTGRAF, Caludia TESSMER, Iris VELHAGEN, Susanne SCHWINN and Manfred FREY
(Names of ALL Applicants)

for **ANTIBODIES ACTIVE AGAINST A FUSION POLYPEPTIDE COMPRISING A HISTIDINE PORTION**
(Title of Invention)

This ☒ continuation ☐ divisional ☐ continuation-in-partclaims priority to pending application Serial No. 08/913,139, filed on 9 February 1998.

- ☐ Enclosed is a new application.
☐ Enclosed is a continuation-in-part application.
☒ Enclosed is a copy of the prior application (i.e., published PCT application, Publication No. WO 96/26963, PCT Application No. PCT/DE96/00369 filed 1 March 1996).
- ☐ Enclosed is a new Declaration. 13 October 2003
☒ Enclosed is a copy of the prior Declaration as originally filed.
- ☒ Applicant claims small entity status (see 37 CFR 1.27)
- ☐ Request and Certification under 35 U.S.C. 122(b)(2)(i) (Form PTO/SB/35)
- ☐ Genetic Sequence Submission: Paper copy, Computer Readable Copy; Statement Verifying Identical Paper and Computer Readable Copy
- ☒ The filing fee is calculated below (including claims as amended by enclosed Preliminary Amendment herein):
☐ Claims as filed in the prior application, less any claims canceled by amendment below:

	(Col. 1)	(Col. 2)	SMALL ENTITY		OTHER THAN SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$385		\$770
TOTAL CLAIMS	17 - 20 =	0	× 9 =	\$0	× 18 =	\$
INDEP CLAIMS	3 - 3 =	0	× 43 =	\$0	× 86 =	\$
MULTIPLE DEPENDENT CLAIM PRESENTED <input checked="" type="checkbox"/> yes <input type="checkbox"/> no			+145 =	\$145	+290 =	\$
If the difference in Col 1 is less than zero, enter "0" in Col. 2			TOTAL	\$530	TOTAL	\$

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7. ☒ Our check in the amount of \$ 530.00 is enclosed in payment of the above-calculated filing fee.
The Commissioner is hereby authorized to charge the above-calculated filing fee to Deposit Account No. 50-2319 (Order No. _____).
☐ The filing fee is NOT being submitted with this transmittal letter.
8. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 50-2319 (Order No. 473211-00999 [33684/US-BM]).
9. ☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee.
(At least one independent claim must be retained for filing purposes.)
10. ☒ Amend the specification by inserting before the first line the sentence:
--This is a ☒ continuation ☐ divisional ☐ continuation-in-part
of application Serial No. 08/913,139 filed 9 February 1998.--
11. ☐ Informal drawings are enclosed.
☐ Formal drawings are enclosed.
12. ☒ Priority of application Serial No. 19507166.2 filed on 1 March 1995 in Germany is claimed under 35 U.S.C. 119.
☒ The certified copy has been filed in prior application Serial No. PCT/DE96/00369 filed on 1 March 1996.
13. ☒ The prior application is assigned of record to Deutsches Krebsforschungszentrum Stiftung des Öffentlichen Rechts
☐ Enclosed is a copy of the assignment from the prior application
☐ Enclosed is a new assignment
☐ with Recordation Form Cover Sheet (PTO-1595)
☐ with our check in the amount of \$40.00 to pay the recordation fee
14. ☒ The power of attorney in the prior application is to:
Name: Pennie & Edmonds LLP
Address: 3300 Hillview Avenue
Palo Alto, California 94304
- ☐ The power appears in the original papers in the prior application.
☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
☐ A new power has been executed and is enclosed.
☒ Address all future communications to the address as from time to time associated with **Customer Number 32940**, currently:

DORSEY & WHITNEY LLP
Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Tel.: (415) 781-1989
Fax: (415) 398-3249

13. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
14. ☒ I hereby verify that the attached papers are a true duplicate of prior application Serial No. 08/913,139 as originally filed on 9 February 1998.
15. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(i) (Form PTO/SB/35)
16. ☒ Also enclosed is/are: (1) copy of English translation of original specification; (2) copy of substitute specification; (3) copy of International Search Report; and (4) copy of International Preliminary Examination Report (all as originally filed)

Date: 14 October 2003

Signature: _____

Birgit MILLAUER
Reg. No. 43,341

Address of Signer:

DORSEY & WHITNEY LLP
4 Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Tel.: (415) 781-1989
Fax: (415) 398-3249

☐ Attorney or agent of record

☒ Filed under 37 C.F.R. § 1.34(a)

[473211-00999]

**ANTIBODIES ACTIVE AGAINST A FUSION POLYPEPTIDE
COMPRISING A HISTIDINE PORTION**

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